

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

LUIS ZETINA-TORRES.

Appellant

DOCKET NUMBER WD77424

DATE: JUNE 9, 2015

Appeal From:

Circuit Court of Saline County, MO
The Honorable Dennis Allen Rolf, Judge

Appellate Judges:

Division Three
Mark D. Pfeiffer, PJ., Gary D. Witt, Anthony Rex Gabbert, JJ

Attorneys:

Dora Fichter, Jefferson City, MO,

Counsel for Respondent

Attorneys:

Margret Mueller, Columbia, MO

Counsel for Appellant

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

STATE OF MISSOURI,

Respondent,

v.

LUIS ZETINA-TORRES,

Appellant.

WD77424

Saline County

Before Division Three Judges: Mark D. Pfeiffer, PJ., Gary D. Witt, Anthony Rex Gabbert, JJ

Luis Zetina-Torres appeals from a judgment entered upon a jury verdict convicting him of trafficking in the second degree pursuant to Section 195.223.9, RSMo Cum. Supp. 2009. Zetina-Torres contends that the circuit court: (1) erred by overruling his motion for judgment of acquittal and in entering judgment and sentence on the jury's guilty verdict of trafficking in the second degree because there was insufficient evidence that he possessed, knew of, or was aware of the presence of the methamphetamine or that he acted together with or aided Maldonado-Echeverria in committing trafficking in the second degree, and; (2) plainly erred by submitting Instruction No. 6, which alleged in Paragraph First that Maldonado-Echeverria possessed the methamphetamine and in Paragraph Third that Zetina-Torres acted together with or aided Maldonado-Echeverria in committing that offense, because there was no evidence to support either of those propositions.

REVERSED

Division Three holds:

- (1) The circuit court erred in denying Zetina-Torres's motion for judgment of acquittal as the evidence was insufficient to convict Zetina-Torres of acting together with or aiding Maldonado-Echeverria in the crime as set forth in the verdict director submitted to the jury.
- (2) As we reverse on other grounds, we need not address whether the court plainly erred in submitting Instruction No. 6 to the jury.

Opinion by Anthony Rex Gabbert, Judge

Date:6/9/15

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